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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 EDWARD E. SEELY,

9 Plaintiff,

10 v.

11 JIM GIBBONS, *et al.*,

12 Defendants.

3:08-CV-125-RCJ(RAM)

ORDER

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14 Presently before the Court is Plaintiff's Motion Requesting Relief from Judgment/Order
15 #158(#191) filed on February 12, 2010. Defendants filed their Opposition to Plaintiff's Relief
16 From Judgment or Order (#192) on February 22, 2010.

17 In this motion, Seely requests relief from judgment in this case, but offers no new legal
18 or factual argument justifying reconsideration. Upon considering Seely's arguments, all
19 records on file and the relevant law, the court finds no basis to reconsider the Courts
20 Order(#158) or Judgment (#159) entered on October 23, 2009.

21 **LEGAL STANDARD**

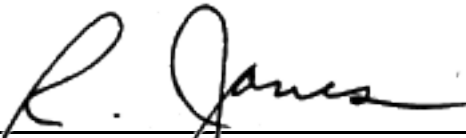
22 Motions to reconsider are generally avoided. See e.g., United States v. Mills, 810 F.2d
23 907, 909 (9th Cir. 1987) (stating that "[t]he law of the case doctrine provides that in order to
24 maintain consistency during the course of a single case, reconsideration of questions
25 previously decided should be avoided."); see also Earl Old Person v. Brown, 312 F.3d 1036,
26 1039 (9th Cir. 2002) (stating that exceptions to the law of the case doctrine include the
27 following: (1) the prior decision is clearly erroneous and its enforcement would work a manifest
28 injustice; (2) intervening controlling authority; and (3) substantially different evidence). That

1 notwithstanding, Fed. R. Civ. P. 60(b) provides that "[o]n motion and upon such terms as are
2 just, the court may relieve a party . . . from a final judgment, order, or proceeding for the
3 following reasons: (1) mistake, inadvertence, surprise or excusable neglect"

4 IT IS THEREFORE ORDERED that Seely's Motion Requesting Relief from
5 Judgment/Order #158(#191) is DENIED.

6 IT IS SO ORDERED.

7 Dated: This 12th day of August, 2010.

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12 ROBERT C. JONES
13 UNITED STATES DISTRICT JUDGE
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